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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,937	07/25/2003	Bryan Dematteo	1/ 3	3697
7590 Bryan N. DeMatteo 260 West 54th Street Apt. 24B New York, NY 10019			EXAMINER YANG, CLARA I	
			ART UNIT	PAPER NUMBER
			2612	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/26/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/627,937

Applicant(s)

DEMATTEO, BRYAN

Examiner

Clara Yang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-25 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Remarks

1. Examiner Matsuichiro Shimizu is no longer with the U.S. Patent and Trademark Office. Consequently, Examiner Clara Yang is continuing prosecution of this application.

Response to Arguments

2. Applicant's arguments filed on 01 November 2006 with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4, 5, 8-15, 18, 20, 21, 24, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Willats et al. (US 2003/0222758A1).

Referring to claims 1, 20, and 25, Willats teaches a vehicle access control and start system, as shown in Figs. 1A-1C, 3, and 5, comprising (a) customizable seats and steering wheel situated within a vehicle (see Section [0167]); (b) the receivers of interior short range transceiver 52, driver's seat transceiver 53, and the passenger seat transceivers (not shown) forming a receiving arrangement that receives radio frequency (RF) identification signals from a plurality of access devices (AD) 26, which are identification devices (as called for in claims 1 and 25) or

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transponders (as called for in claim 20) carried by users (as called for in claim 25) that have a position with respect to the exterior and interior of the vehicle (as called for in claims 1 and 20) (see Sections [0071], [0075], [0078]-[0082], [0161]-[0163], and [0165]-[0167]); and (c) controller 24 (i.e., a processing arrangement) coupled to the receiving arrangement (i.e., the receivers of interior short range transceiver 52, driver's seat transceiver 53, and the passenger seat transceivers) in order to receive identification signals received by the receiving arrangement (see Fig. 1A and Sections [0071], [0078]-[0082], [0159], [0161]-[0163], and [0165]-[0167]), as called for in claims 1, 20, and 25. In Section [0167], Willats discloses that the vehicle start system stores user preferences such as seat and steering wheel positions, wherein the driver's seat and steering wheel are adjusted only when an appropriate AD 26 is detected in the immediate vicinity of the driver's seat. It is understood that an appropriate AD 26 is detected in the immediate vicinity of the driver's seat by driver's seat transceiver 53. Willats further teaches that individual sensors are provided for one or more passenger seats so that personal preferences are set for each passenger seat by the vehicle start system (see Section [0167]). It is understood that the individual sensors are passenger seat transceivers since a person is identified by his or her AD 26 (see Sections [0082]-[0083], [0161]-[0162], [0165], and [0167]). As called for in claims 1 and 25, Willats's controller 24 determines which seat to adjust based on the seat in which the user carrying a valid AD 26 is sitting (i.e., based on information relating to the position of the identification device/user with respect to the vehicle) and adjusts the seat based on (1) the RF identification signal received from an AD 16 and (2) the AD holder's preferences (see Section [0167]). As called for in claim 20, Willats's controller 24 automatically adjusts a seat and/or the steering wheel based on (1) the RF identification signal received from an AD 26 and (2) which transceiver, such as driver's seat transceiver 53 or the passenger seat transceivers,

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receives an AD 26's RF identification signal (i.e., which of the receiver circuits receives the identification signals wireless communicated by the transponder device) (see Sections [0161]-[0162], [0165], and [0167]). Per Willats, the start system only automatically adjusts the seats and/or steering wheel after a user causes the vehicle doors to unlock (i.e., an external event indicating that the user intends to enter the vehicle) via his or her AD 26 and the user's AD 26 is detected by driver's seat transceiver 53 or the passenger seat transceivers (see Sections [0079]-[0082], [0149], [0151], [0159]-[0163], [0165], and [0167]).

Regarding claim 4, as explained in the previous rejection of claim 20, Willats teaches that AD 26 is a transponder that transmits RF identification signals to the vehicle's receiving arrangement (see Sections [0078]-[0082], [0149], [0151], [0159]-[0163], [0165], and [0167]).

Regarding claim 5, per Willats, external directional transceiver 44, interior short-range transceiver 52, driver's seat transceiver 53, and the passenger seat transceivers interrogate AD 26, which is a passive transponder, and cause AD 26 to respond to the interrogation by transmitting an RF identification signal (see Sections [0075], [0079], [0149], [0162], and [0167]).

Regarding claim 8, Willats teaches that driver's seat transceiver 53 has a relatively low scanning power and is directional in order to specifically target the driver's seat (see Section [0161]). If a user carrying an AD 26 having only a first authorization level sits in the driver's seat, whereas a passenger carrying an AD 26 having a second authorization level sits in one of the passenger seats, Willats's start system will refuse to start because the AD 26 having the second authorization level is out of driver's seat transceiver 53 range, thereby enabling driver's seat transceiver 53 to only detect the AD 26 having the first authorization level and prevent controller 24 from allowing the vehicle to start (see Sections [0162] and [0165]). It is understood that (1) the passenger seat transceivers function in the same manner as driver's seat transceiver

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53, (2) controller 24 adjusts a passenger seat based on an AD 26's RF identification signal that is received by the passenger seat transceiver associated with the passenger seat, and (3) an AD 26 within driver's seat transceiver 53's (or a passenger seat transceiver's) range must have a sufficient signal strength in order to be received by driver's seat transceiver 53 (or a passenger seat transceiver). Consequently, Willats's controller 24 automatically adjusts the vehicle's components based on the strength of the RF identification signals received from ADs 26.

Regarding claim 9, as explained in the previous rejection of claim 20, Willats teaches (a) a receiving arrangement including the receivers of external directional transceiver 44, interior short range transceiver 52, driver's seat transceiver 53, and the passenger seat transceivers (see Sections [0071], [0075], [0078]-[0082], [0161]-[0163], and [0165]-[0167]); and (b) controller 24 automatically adjusting a seat and/or the steering wheel based on (1) the RF identification signal received from an AD 26 and (2) which transceiver, such as driver's seat transceiver 53 or the passenger seat transceivers, receives an AD 26's RF identification signal (i.e., which of the receiver circuits receives the identification signals wirelessly communicated by the transponder device) (see Sections [0161]-[0162], [0165], and [0167]).

Regarding claim 10, the claim is interpreted and rejected as claim 8.

Regarding claim 11, Willats discloses that driver's seat transceiver 53 has a relatively low scanning power and is directional in order to specifically target the driver's seat (see Section [0161]). It is understood that the passenger seat transceivers (see Section [0167]) and driver's seat transceiver 53 are identical and that each passenger seat transceiver specifically targets its corresponding seat. Consequently, Willats's receiving arrangement includes directional limiting arrangements that limit locations from which the receivers of driver's seat transceiver 53 and the passenger seat transceivers receive AD 26's RF identification signal.

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Regarding claim 12, though Willats fails to mention driver's seat transceiver 53 and the passenger seat transceivers having antennas, each of these transceivers must have at least one antenna in order to transmit an RF interrogation signal to ADs 26 and to receive each AD 26's RF identification signal. In order for driver's seat transceiver 53 and the passenger seat transceivers to be directional, the antennas must be directional.

Regarding claim 13, per Willats, the vehicle start system only automatically adjusts the seats and/or steering wheel after (1) a user causes the vehicle doors to unlock (i.e., an external event indicating that the user intends to enter the vehicle) via his or her AD 26 or a key and (2) the user's AD 26 is detected by driver's seat transceiver 53 or the passenger seat transceivers (see Sections [0079]-[0082], [0091], [0094], [0098]-[0101], [0149], [0151], [0159]-[0163], [0165], and [0167]).

Regarding claim 14, Willats discloses that an external event includes activation of a remote keyless entry (RKE) AD (i.e., an active transponder), thereby causing the RKE AD to transmit an RF identification signal (i.e., a wireless entry intent signal), which is received by receiver 244 (see Fig. 1B and Section [0091]).

Regarding claim 15, Willats teaches that an external event includes insertion of a key in key barrel 330 (see Fig. 1C). Willats's vehicle system further includes a key insertion detection circuit that (1) detects the insertion of a key by receiving a signal from the key and (2) communicates to controller 24 that the insertion of a key has been detected (see Sections [0098] and [0100]-[0101]).

Regarding claims 18 and 21, the claims are interpreted and rejected as claim 5.

Regarding claim 24, the claim is interpreted and rejected as claim 8.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 7, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willats et al. (US 2003/0222758A1) as applied to claims 1 and 5 above, and further in view of Madau (US 6,748,536).

Regarding claims 2 and 7, Willats teaches that AD 26 is a transponder card, not an identification device having a key and an electronic circuit arranged on the key. Consequently, Willats fails to teach that the receiving arrangement further includes a key reading circuit that receives the key's electronic circuit when the key is inserted into a keyhole receptacle of the vehicle, as called for in claim 2, and that the interrogation circuit interrogates the key (which is a passive transponder) when the key is inserted into a keyhole receptacle, as called for in claim 7.

In an analogous art, Madau teaches a key security system, as shown in Fig. 1, comprising (a) a plurality of automotive peripherals 22 (i.e., customizable vehicle components), such as an electronically adjustable seat and rear view mirror (see Col. 4, lines 7-15 and 37-44; and Col. 7, lines 58-67); (b) key switch 46 having a receiving arrangement that receives identification signals from key 40 (i.e., an identification device) (see Col. 5, lines 5-22); and (c) mobile computing module 12 and engine control module 16 forming a processing arrangement coupled to key switch 46, which communicates identification signals to engine control module 16 (see Col. 4, lines 7-26 and Col. 5, lines 24-43). Madau discloses that the processing

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arrangement customizes automotive peripherals 22 based on the data read from key 40 when key 40 is inserted into key switch 46 (see Col. 7, lines 58-67). As called for in claims 2 and 7, Madau's key 40, as shown in Fig. 2, is a transponder having an internal integrated circuit (not shown) (see Col. 5, lines 5-22). Per Madau, key switch 46 includes (1) an interrogation circuit that transmits power to key 40 (i.e., interrogates key 40) when key 40 is inserted into key switch's receptacle and (2) a key reading circuit that receives identification signals from key 40's internal integrated circuit when key 40 is inserted into key switch 46's receptacle (see Col. 5, lines 5-39).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Willats' vehicle system as taught by Madau because an AD 26 being a key having an electronic circuit and the vehicle system further including (1) an interrogation circuit that transmits power to AD 26 (i.e., interrogates AD 26) when AD 26 is inserted into a key receptacle and (2) a key reading circuit that receives the AD 26's identification signal when AD 26 is inserted into a keyhole receptacle of the vehicle, thereby enable Willats's vehicle to be started with a transponder key, which is more conventional than starting a vehicle by closing two switches (see Willats, Section [0162] and [0164]) and may be preferred by some users, while providing more security than mechanical keys.

Regarding claim 23, the claim is interpreted and rejected as claim 7.

7. Claims 6, 16, 17, 19, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willats et al. (US 2003/0222758A1) as applied to claims 5, 18, and 21 above, and further in view of Gehrke (US 6,584,381).

Regarding claims 6, 16, and 17, Willats's vehicle, as shown in Figs. 1A and 3, includes a plurality of doors 14a-d (see Section [0077]), as called for in claim 16, and each door 14 includes

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an exterior handle (i.e., a door opening device) and an internal handle (see Sections [0010], [0014], [0018], [0119], [0122], and [0129]), as called for in claim 17. Willats, however, is silent on (1) the interrogation circuit, which includes external directional transceiver 44, interrogating AD 26 when a door opening device is activated (as called for in claim 6); (2) the external event including activation of a door handle (as called for in claim 16); and (3) an activation detection circuit detecting the activation of a door handle and sending an activation detect signal to controller 24 when the activation detects the activation of a door handle (as called for in claim 16).

In an analogous art, Gehrke's vehicle system, as shown in Fig. 1, comprises (a) a plurality of customizable vehicle components, such as seats and mirrors (see Col. 3, lines 39-45); (b) transmitter/receiver 18 (i.e., a receiving arrangement) that receives an identification signal from transponder 16 (see Col. 4, lines 27-39); and (c) control unit 20 coupled to transmitter/receiver 18, which sends the received identification signal to control unit 20 (see Col. 4, lines 35-41). Per Gehrke, control unit 20 adjusts a seat and/or a mirror based on the information received from transponder 16 (see Col. 4, lines 39-52). As called for in claim 6, Gehrke's transmitter/receiver 18, which is also an interrogation circuit, interrogates transponder 16 when a user pulls a door handle (see Col. 4, lines 31-35). As called for in claim 16, Gehrke's vehicle system includes at least one door handle, which indicates an external event upon being pulled by a user, and must include a detection circuit that detects a user pulling the door handle and sends a signal indicating the activation of the door handle to control unit 20 in order to cause control unit 20 to begin the interrogation process (see Col. 4, lines 27-35).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Willats's vehicle system as taught by Gehrke because a

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vehicle system having (1) an activation detection circuit that detects the activation of a door handle, which is an external event, and sending an activation detect signal to controller 24 when the activation detects the activation of a door handle (as called for in claim 16) and (2) an interrogation circuit, which includes external directional transceiver 44, that interrogates AD 26 when a door opening device is activated (as called for in claim 6) eliminates the need for external directional transceiver 44 to continuously transmit an interrogation signal (see Willats, Section [0078]), thereby conserving the vehicle's battery, which is desirable as taught by Willats (see Section [0085]).

Regarding claims 19 and 22, the claims are interpreted and rejected as claim 6.

Allowable Subject Matter

8. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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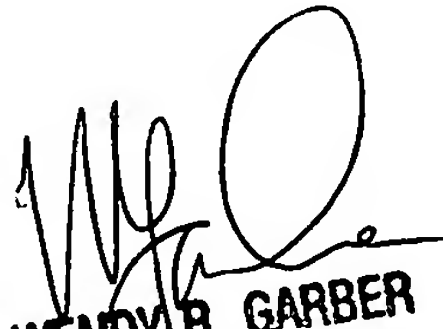
however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clara Yang whose telephone number is (571) 272-3062. The examiner can normally be reached on Tuesdays, 1:00-2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CY
18 January 2007


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